

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
) CASE NO. CR07-119-RSL
Plaintiff,)
)
v.) SUMMARY REPORT OF U.S.
) MAGISTRATE JUDGE AS TO
NYABATURI JOYCE WAMBURA,) ALLEGED VIOLATIONS
) OF SUPERVISED RELEASE
Defendant.)
_____)

A hearing on supervised release revocation in this case was scheduled before me on December 21, 2010 in conjunction with a change of plea hearing in Case No. CR10-321 RSL. The United States was represented by AUSA Vincent Lombardi and the defendant by Peter Avenia. The proceedings were digitally recorded.

Defendant had been sentenced on or about June 13, 2008 by the Honorable Robert S. Lasnik on charges of Social Security Fraud and Aggravated Identity Theft, and sentenced to nineteen months custody, three years supervised release. (Dkt. 31.)

The conditions of supervised release included the standard conditions plus the requirements that defendant submit to search, participate in mental health treatment, be prohibited

01 from gambling or entering a gambling establishment, attend Gambler's Anonymous meetings if
02 directed, pay restitution in the amount of \$120,157.13, provide her probation officer with access
03 to financial information as requested, maintain a single checking account for all financial
04 transactions, divulge any business interests, disclose all assets and liabilities, be prohibited from
05 incurring new credit charges or opening new lines of credit without permission, be restricted from
06 employment which has fiduciary responsibilities, be prohibited from self-employment or
07 employment by persons previously known to defendant unless approved by her probation officer,
08 be prohibited for working for cash, submit regular pay stubs to her probation officer, be
09 prohibited from possessing identification documents in any but her true name, and not re-enter
10 the United States without permission if deported.

11 On May 20, 2010, defendant's conditions of supervised release were modified to require
12 participation in a residential reentry center program for up to 180 days. (Dkt. 32.)

13 In an application dated September 10, 2010 (Dkt. 34), U.S. Probation Officer Jennifer J.
14 Tien alleged the following violations of the conditions of supervised release:

15 1. Failing to submit a monthly supervision report for the month of August 2010, in
16 violation of standard condition number 2.

17 2. Failing to report all bank accounts to the probation officer in or before August
18 2010, in violation of the special condition that the defendant maintain a single checking account
19 in her name and this account and all other bank accounts must be disclosed to the probation
20 officer.

21 3. Entering the Emerald Queen Casino in August 2010, in violation of the special
22 condition that the defendant shall be prohibited from gambling and the defendant shall not enter,

frequent, or be otherwise involved with any legal or illegal gambling establishment or activity,
except if approved by the probation officer.

4. Failing to report a change in residence at least ten days prior to any change in
residence on or before September 7, 2010, in violation of standard condition number 6.
Defendant was advised in full as to those charges and as to her constitutional rights.

In connection with a change of plea hearing in Case No. CR10-321 RSL, Defendant
admitted the alleged violations and waived any evidentiary hearing as to whether they occurred.
(Dkt. 41.)

I therefore recommend the Court find defendant violated her supervised release as
alleged, and that the Court conduct a hearing limited to the issue of disposition. The next
hearing will be set before Judge Lasnik, probably at the time of sentencing in CR10-321.

Pending a final determination by the Court, defendant has been detained.

DATED this 21st day of December, 2010.


Mary Alice Theiler
United States Magistrate Judge

cc:	District Judge:	Honorable Robert S. Lasnik
	AUSA:	Vincent Lombardi
	Defendant's attorney:	Peter Avenia
	Probation officer:	Jennifer J. Tien